



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/486,706 06/26/00 TIMMERMANN

A 1247-0861-3V

EXAMINER

PM82/0911

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ART UNIT

PAPER NUMBER

3634
DATE MAILED:

09/11/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/486,706	Applicant(s) A. Timmermann
	Examiner Gregory J. Strimbu	Art Unit 3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Jun 28, 2001
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 10-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on Jun 26, 2000 is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 20) <input type="checkbox"/> Other: _____ |

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Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The copies of the foreign references cited in the International Search Report have been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two continuous walls which are both parallel to the outer wall of the door structure (claims 1 and 15) must be shown or the feature(s) canceled from the claim(s). Note that the wall of the box structure facing the interior of the vehicle is not parallel to the wall of the box structure facing the outer wall of the door structure. Therefore, both of the walls of the box structure cannot be parallel to the outer wall of the door structure. Additionally, the means for mounting the equipment (claim 1) must be shown or the feature(s) canceled from the claim(s). The equipment support being made as a single piece (claim 6) must be shown or the feature(s) canceled from the claim(s). The body of foam (claims

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8, 13 and 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "means" on line 5 should be deleted. On line 2, "the structure" is confusing since it is unclear if the applicant is referring to the door structure or the equipment support structure. On line 3, it is suggested that the applicant insert --structure-- following "support" to avoid confusion. On line 3, "the form" is confusing since it is unclear what shape comprises the "form" of a box structure. Does the equipment support have a region that is a double-shell box structure or merely a region that is

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like, i.e., in the form of, a double shell box structure? On line 6, “equipment” is confusing since it is unclear if the applicant is referring to the equipment set forth above or is attempting to set forth equipment in addition to the equipment set forth above. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 1-8 and 10-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “which is open towards an inside of the vehicle” on line 3 of claim 1 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a door or the combination of a door and a vehicle. The preamble of claim 1 implies the subcombination while the positive recitation of the vehicle on line 3 implies the combination. Recitations such as “the vehicle” on line 3 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as “already mounted equipment” on lines 4-5 if claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant attempting to set forth a method step? If so, what steps come after the mounting of the equipment which would warrant the use of the term “already”? Recitations such as “and in that” on line 9 of claim 1 and “the said” on line 11 of claim 1 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as “destined” on line 13 of claim 1

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render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as “rather similar dimensions” on line 2 of claim 4 render the claims indefinite because the term “rather” is relative term whose meaning cannot be readily ascertained by one with ordinary skill in the art and is not defined in the specification. Recitations such as “are fixed . . . entire periphery” on line 2 of claim 4 render the claims indefinite because it is unclear how the two parts can be fixed around their entire periphery since it appears that the two parts are only attached along a portion of their peripheries. Recitations such as “or” on line 3 of claim 6 render the claims indefinite because it is unclear which of the two non-equivalent alternatives the applicant is attempting to positively set forth. Recitations such as “equipment” on line 3 of claim 6 render the claims indefinite because it is unclear if the applicant is referring to the equipment set forth above or is attempting to set forth equipment in addition to the equipment set forth above. Recitations such as “a closed edge” on line 2 of claim 14 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Does the closed edge comprise a portion of the first or second rigid member? What comprises a “closed edge”? Recitations such as “within said outer panel” on lines 7-8 of claim 15 render the claims indefinite because it is unclear how the box structure can fit within a panel, i.e., a generally planar element.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara et al. Kurihara et al. discloses a component support assembly for a vehicle door 34, comprising a rigid double-shell box structure 10, the box structure comprising at least two continuous walls (not numbered, but seen in figure 8, spaced apart and parallel to an outer wall 30 of the vehicle door and configured to form at least one hollow section, wherein the rigid double shell box structure is configured to fit within the vehicle door and to be fixedly attached to the vehicle door and wherein the rigid double shell box structure is configured to provide independent structural support for a plurality of vehicle door components fixedly attached to the rigid double shell box structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 15-17 and 19 as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. in view of Kurihara et al. Hashimoto

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et al. discloses a vehicle door D comprising a door structure consisting of an outer wall 10 and a lower wall 14 and lateral walls 14 and which is open towards an inside of the vehicle and an interior trim lining 20. Hashimoto et al. is silent concerning an equipment support which comprises at least one double-shell box structure.

However, Kurihara et al. discloses an equipment support 10 which can be fixed to a door structure 34, comprising already mounted equipment 24, wherein the equipment support comprises at least one double-shell box structure, resistant to warping, with two continuous walls (not numbered, but seen in figure 8) which are spaced apart and parallel to an outer wall 30 of the door structure, and in that the outer surface of the box structure facing towards the outer door wall is parallel and close to a line along which a window 38, which can be dropped down into the space between the outer wall of the door and the surface of the box structure moves, and in that the inner surface of the box structure facing towards the inside of the vehicle is equipped with attachment means (not shown, but comprising screws) for mounting the equipment destined for the inside of the vehicle.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. in view of Kurihara et al. as applied to claims 1-7, 15-17 and 19 above, and further in view of Finch et al. Finch et al. disclose a vehicle door comprising a body of foam 11 for side impact protection.

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It would have been obvious to one of ordinary skill in the art to provide Hashimoto et al., as modified above, with a body of foam, as taught by Finch et al., to attenuate the forces generated during side impacts.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara et al. as applied to claims 10-12 and 14 above, and further in view of Finch et al. Finch et al. disclose a vehicle door comprising a body of foam 11 for side impact protection.

It would have been obvious to one of ordinary skill in the art to provide Kurihara et al. with a body of foam, as taught by Finch et al., to attenuate the forces generated during side impacts.

Response to Arguments

Applicant's arguments filed June 28, 2001 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended the claims to positively recite that the equipment support comprises at least one double shell box structure rather than merely setting forth that the equipment support comprises at least one region in the form of a double shell box structure which

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necessitated the new grounds of rejection. Additionally, the applicant has presented new claims 10-19 which also necessitated a new grounds of rejection. Finally, it should be pointed out that it is not completely clear what comprises a double shell box structure. The elements shown and described in the specification do not disclose a box. Nonetheless, the examiner has interpreted the double shell box structure, whatever that really means, to be what is shown and described in the figures in order to further the prosecution of the application. Thus, the applicant is put on notice that he or she must better define what structure comprises the "double shell box structure" in order to put the application into a condition for allowance. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



Gregory J. Strimbu
Primary Examiner
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